

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SILICON VALLEY BANK,

Plaintiff,

-v-

JES GLOBAL CAPITAL GP III, LLC and ELLIOT S.  
SMERLING,

Defendants.  
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21-CV-2552 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Counsel for all parties, and any other interested parties, shall appear before the undersigned for a teleconference to discuss the pending motion to approve the first interim requests for compensation and reimbursement by the Receiver and the professionals retained by the Receiver in this matter. *See* Dkt. 131. The conference shall take place on November 15, 2021 at 10:00 a.m. At the scheduled time, counsel for all parties shall call (866) 434-5269, access code 9176261.


The Court also grants the unopposed motion to file in redacted form the detailed time and expense records of (1) Kroll Associates, Inc., (2) Berger Singerman LLP, (3) Faegre Drinker Biddle & Reath LLP, and (4) the Receiver. *See* Dkt. 135. Although “[t]he common law right of public access to judicial documents is firmly rooted in our nation’s history,” this right is not absolute, and courts “must balance competing considerations against” the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (quotations omitted); *see also Nixon v. Warner Commc’ns., Inc.*, 435 U.S. 589, 599 (1978) (“[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.”). The information Defendant proposes to redact appears irrelevant to the consideration of the underlying motions. And the proposed redactions are

necessary to prevent information implicating the work-product doctrine and the attorney-client privilege. *See* Fed. R. Civ. Proc. 23(b)(3); *In re Grand Jury Subpoenas Dated March 19, 2002 and August 2, 2002*, 318 F.3d 379, 383 (2d Cir. 2003).

The Clerk of the Court is respectfully directed to terminate the motion pending at Dkt. 135.

SO ORDERED.

Dated: November 7, 2021  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge